

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA, ex rel.,
BEAUCHAMP and SHEPHERD,

Plaintiffs/Relators,

V.

ACADEMI TRAINING CENTER, INC.
 (“ATC”), f/k/a U.S. TRAINING CENTER,
 INC. (“USTC”),

Defendant.

Civil No.: 1:11 Civ. 371 (TSE) (TRJ)

UNITED STATES' UNOPPOSED MOTION FOR LEAVE TO FILE
STATEMENT OF INTEREST ON DEFENDANT'S OMNIBUS
MOTION TO DISMISS

The United States, real party in interest in this action, hereby moves for leave to submit a Statement of Interest (“Statement”) pursuant to 28 U.S.C. § 517 to address certain arguments in defendant Academi Training Center, Inc.’s Omnibus Motion to Dismiss relators’ Second Amended Complaint. Specifically, the United States seeks to address the impact, if any, of the recently decided opinion in *U.S. ex rel. McLain v. KBR, Inc.*, 1:08-CV-499 GBL/TCB, 2013 WL 710900, at *1 (E.D. Va. Feb. 27, 2013) (Lee, J.)(“*McLain*”) on Academi’s Fed. R. Civ. P. 12(b)(6) and 9(b) dismissal arguments. Relators and defendant Academi do not oppose this request.

The United States remains a real party in interest in this matter, even though it has not intervened in the action. *U.S. ex rel. Milam v. Univ. of Texas M.D. Anderson Cancer Ctr.*, 961 F.2d 46, 50 (4th Cir. 1992). The False Claims Act (“FCA”), 31 U.S.C. § 3729 *et seq.*, is the

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ORDER

Having considered the United States’ Unopposed Motion for Leave to File Statement of Interest on Defendant’s Omnibus Motion to Dismiss, and the entire record in this case, it is hereby

ORDERED that the United States' Motion is **GRANTED**; and it is

FURTHER ORDERED that the parties shall submit a joint proposed briefing schedule regarding the United States' Statement of Interest on or before March 13, 2013.

IT IS HEREBY SO ORDERED this ____ day of _____, 2013.

UNITED STATES DISTRICT JUDGE